

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fabio Pellizzer
 Application No. : 10/824,631
 Filed : April 14, 2004
 For : SELF-ALIGNED PROCESS FOR MANUFACTURING A PHASE
 CHANGE MEMORY CELL AND PHASE CHANGE MEMORY
 CELL THEREBY MANUFACTURED

Examiner : Joseph H. Nguyen
 Art Unit : 2815
 Docket No. : 854163.414
 Date : December 19, 2006

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE TO SPECIES ELECTION REQUIREMENT

Commissioner for Patents:

In response to the Species Election Requirement dated November 22, 2006, the applicant hereby elects **with traverse**, Embodiment 1, for examination at this time.

The applicant disagrees with the Species Election Requirement, in part, because Embodiment 1 (Figures 20-28) and Embodiment 2 (Figures 29-32) listed by the Examiner are not distinct structural species. Although Figures 20-28 and Figures 29-32 illustrate two different manufacturing approaches, they both arrive at the same device (shown in Figure 28.) More specifically, in Figure 29-32, an adhesion layer (60) is first deposited on a delimiting structure (stop layer 48 and mold layer 49). This adhesion layer is later completely removed and an intermediate structure identical to that of Figure 24 is obtained (*see*, page 14, lines 11-12). Thus, the device of Figures 29-32 is not a separate structural species compared to the structure of Figures 20-28.

For the forgoing reasons, Figures 20-28 and Figures 29-32 are not directed to two distinct structural species, and thus, the applicant should not be required to elect one of them. The applicant respectfully requests that the Species Election Requirement between Embodiment 1 and Embodiment 2 be withdrawn.

The applicant submits that claims 10-12, 14-17, 19-24, 26-33 and 35-36 read on the elected species of Figures 20-28.

Reconsideration of Species election Requirement and consideration of the pending claims are now requested.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

/Hai Han/

Hai Han, Ph.D.

Registration No. 54,150

HXH:lcs

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

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